

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	19cv1860 (DLC)
JUDITH A. BOVITZ,	:	
	:	
	:	<u>SCHEDULING ORDER</u>
Plaintiff,	:	
-v-	:	
	:	
WELLS FARGO ADVISERS, LLC,	:	
	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

This case was filed on February 27, 2019. A scheduling order of October 15 set May 1, 2020 as the deadline for the completion of fact discovery and July 10, 2020 as the deadline for the completion of expert discovery. The October 15 scheduling order also required the parties to file any motion for summary judgment, or if no such motion is filed, any pretrial order, by July 31, 2020. Pursuant to an Order of January 8, 2020, the parties' request to reschedule their mediation until May 2020 was granted. On March 23, 2020, the parties filed a letter seeking an extension of the schedule due to the COVID-19 outbreak.

The Court takes notice that the World Health Organization has described COVID-19 as a pandemic and that New York City has

declared a state of emergency.<sup>1</sup> Accordingly, the Court will grant an eight-week extension of all upcoming deadlines. Counsel should consult as to whether pretrial proceedings, including depositions and mediation, may be conducted through video conference or teleconference. It is hereby

ORDERED that, pursuant to Rules 30(b)(3) and (b)(4), Fed. R. Civ. P., all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, however, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other

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<sup>1</sup> World Health Organization, WHO Director-General's Opening Remarks at the Mission Briefing on COVID-19 (Mar. 12, 2020), <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-mission-briefing-on-covid-19---12-march-2020>; City of New York, Office of the Mayor, Mayor de Blasio Issues State of Emergency (Mar. 13, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/138-20/mayor-de-blasio-issues-state-emergency>.

remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

IT IS FURTHER ORDERED that the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. All fact discovery must be completed by **July 3, 2020**. The parties, on consent, may extend the period of fact discovery to **September 11, 2020**, to run concurrently with the period for expert discovery.
2. Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed. R. Civ. P., by the party bearing the burden on an issue must be served by **July 17, 2020**. Identification of rebuttal experts and disclosure of their expert testimony must occur by **August 14**.
3. All discovery must be completed by **September 11, 2020**.
4. The following motion will be served by the dates indicated below.

Any motion for summary judgment

- Motion served by **October 2, 2020**
- Opposition served by **October 23**
- Rely served by **November 6**


At the time any Reply is served, the moving party shall supply two courtesy copies of all motion papers to Chambers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York.

5. In the event no motion is filed, the Joint Pretrial Order must be filed by **October 2, 2020**.

As described in greater detail in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Voir Dire, Requests to Charge and a Memorandum of Law addressing all questions of

law expected to arise at trial. Any responsive papers are due one week thereafter. In the event a party does not file a Memorandum of Law, a responsive Memorandum of Law should not be submitted unless in reply to an unanticipated legal argument in the other party's Memorandum of Law. Counsel will provide the Court with two (2) courtesy copies of all pretrial documents at the time of filing.

Dated: New York, New York  
March 23, 2020

  
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DENISE COTE  
United States District Judge